IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 21901 of 2006(G)

PETITIONER:

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1. JOSE JOHN, S/O.LATE A.J.JOHN,
   AGED 42 YEARS, HIGHER SECONDARY SCHOOL TEACHER
   (ZOOLOGY), M.M.M.HIGHER SECONDARY SCHOOL,
   P.O. KUTTAYI, TIRUR, MALAPPURAM DISTRICT.

2. T.P.MOHAMMED ASHRAF, HIGHER SECONDARY
   SCHOOL TEACHER (ARABIC),M.M.M. HIGHER SECONDARY
   SCHOOL, P.O. KUTTAYI, TIRUR,MALAPPURAM DISTRICT.

3. M.M.SAVITHRI BHAI,
   HIGHER SECONDARY SCHOOL TEACHER (BOTANY),
   M.M.M.HIGHER SECONDARY SCHOOL, P.O. KUTTAYI,
   TIRUR, MALAPPURAM DISTRICT.

4. SHINY JACOB, HIGHER SECONDARY SCHOOL
   TEACHER (MALAYALAM), M.M.M. HIGHER SECONDARY
   SCHOOL, P.O. KUTTAYI, TIRUR, MALAPPURAM DIST.

5. T.A.SATHYANATHAN,
   HIGHER SECONDARY SCHOOL TEACHER(MALAYALAM)
   M.M.M. HIGHER SECONDARY SCHOOL,
   P.O.KUTTAYI, TIRUR, MALAPPURAM DISTRICT.

6. P.MANOJ KUMAR,
   HIGHER SECONDARY SCHOOL TEACHER (ZOOLOGY),
   N.N.M.HIGHER SECONDARY SCHOOL, CHELAMBRA,
   MALAPPURAM DISTRICT.

7. T.K.LEELA,
   HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM),
   N.N.M. HIGHER SECONDARY SCHOOL, CHELAMBRA,
   MALAPPURAM DISTRICT.

8. T.RENUKA DEVI,
   HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
   N.N.M. HIGHER SECONDARY SCHOOL, CHELAMBRA,
   MALAPPURAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION HOUSING BOARD BUILDING, TRIVANDRUM.

3. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION, HIGHER SECONDARY EDUCATION, KOZHIKODE.

4. THE PRINCIPAL, M.M.M. HIGHER SECONDARY SCHOOL, P.O. KUTTAYI, TIRUR, MALAPPURAM DISTRICT.

5. THE PRINCIPAL, N.N.M. HIGHER SECONDARY SCHOOL, CHELAMBRA, MALAPPURAM DISTRICT.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 21901/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE G.O.(P) NO. 351/2004/G.Edn. OF THE GOVT.

EXT.P2. COPY OF THE DECISION REPORTED IN 2005 (3) K.L.T. (SHORT NOTES) PAGE 87 CASE NO. 104

EXT.P3. COPY OF THE G.O. (MS) NO.84/92/G.Edn. OF THE GOVT.

EXT.P4. COPY OF THE G.O. (MS) NO.173/95/G.Edn. OF THE GOVT.

EXT.P5. COPY OF THE G.O. (MS) NO.380/95/G.Edn. OF THE GOVT.

EXT.P6. COPY OF THE G.O. (Rt.) NO.2532/2006/G.Edn. OF THE GOVT.

EXT.P7. COPY OF THE JUDGMENT IN W.A. NO.2043/2005 OF THIS HON'BLE COURT

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 21901 OF 2006

Dated this the 2nd day of August, 2007

J U D G M E N T

The primary prayer in this writ petition, which is at the instance of Higher Secondary School Teachers in various subjects, is to issue a direction to the respondents to grant them the scale of pay of Higher Secondary School Teacher (Full-time). It is the specific case of petitioners that the decision rendered by a Division Bench of this Court in Ext.P7 judgment is squarely covered in their favour.

2. Learned counsel invites my attention to an order recently issued by the Government in G.O. (MS) No.60/2007/G.Edn. dated March 12, 2007. In the said order, the Government has decided to "accord sanction for payment of arrear salary to those Aided Higher Secondary School Teachers who were paid salary at the rate of Guest teachers till 30.11.2001 in the scale of pay admissible to Higher Secondary School Teachers." It is further ordered that "the arrears of salary consequent to this upto 31.12.2006 will be merged to their P.F. Account and the same will be allowed to be withdrawn only after 31.12.2011."

In view of the intervening developments, no further orders are necessary in this writ petition other than directing respondent No.3 to issue appropriate consequential orders in terms of the order of the Government referred to above. This shall be done, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

Ordered accordingly.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007